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13 Attorneys for Plaintiff  
14 MONSTER ENERGY COMPANY

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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MONSTER ENERGY COMPANY,  
a Delaware corporation,

Plaintiff,

v.

JOF ENTERPRISE INC., a  
Massachusetts corporation; and  
JAMES FINNEY, an individual,

Defendants.

Case No. 5:22-cv-01458-AB-SP

**MONSTER ENERGY  
COMPANY'S MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION TO  
COMPEL DEFENDANTS TO  
PROVIDE RESPONSES TO  
INTERROGATORIES AND  
DOCUMENT REQUESTS**

HEARING:  
July 25, 2023  
10:00 a.m.  
Courtroom 4

Discovery Document: Referred to  
Magistrate Judge Sheri Pym

Fact Discovery Cutoff: July 28, 2023  
Pretrial Conference: February 9, 2024  
Trial: February 27, 2024

1 PLEASE TAKE NOTICE that on July 25, 2023, at 10:00 a.m., or as soon  
2 thereafter as this matter may be heard, before the Honorable Sheri Pym in  
3 Courtroom 4 of the above entitled court, Monster Energy Company (“Plaintiff”)  
4 will and hereby does move the Court for an order compelling JOF Enterprise Inc.  
5 and James Finney (“Defendants”) to provide responses to Plaintiff’s  
6 Interrogatories under Federal Rule of Civil Procedure 33 and to Plaintiff’s  
7 Requests for Production of Documents under Federal Rule of Civil Procedure 34.  
8 Plaintiff further requests monetary sanctions equal to the reasonable expenses  
9 incurred in making the instant Motion, including attorneys’ fees, pursuant Rule  
10 37 of the Federal Rules of Civil Procedure.

11 This motion is brought pursuant to Local Rule 37-2 and Rules 33, 34, and  
12 37 of the Federal Rules of Civil Procedure. This motion is based upon  
13 Defendants’ failure to: (1) provide responses to Plaintiff’s discovery requests, and  
14 (2) sign and return Defendants’ portion of the Local Rule 37-2 Joint Stipulation  
15 to Plaintiff.

16 Pursuant to Local Rule 37-1, counsel for both parties met and conferred on  
17 May 31, 2023, but were unable to reach an agreement. Plaintiff subsequently  
18 prepared its portion of a Joint Stipulation in accordance with Local Rule 37-2 and  
19 provided said portion to defense counsel. Defendants failed to return their  
20 portions of the Joint Stipulation, thus necessitating the filing of this motion  
21 without an accompanying Joint Stipulation under Local Rule 37-2.4(b).

22 This motion is based on this Notice of Motion, the accompanying  
23 memorandum of points and authorities, the Declaration of Jacob Rosenbaum,  
24 corresponding exhibits, all pleadings and papers on file in this action, and upon  
25 such other matters as may be presented to the Court. Plaintiff is also lodging a  
26 proposed order for the Court’s consideration.

1 KNOBBE, MARTENS, OLSON & BEAR, LLP

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3 Dated: July 3, 2023

By: /s/ Jacob R. Rosenbaum

4 Steven J. Nataupsky

5 Lynda J. Zadra-Symes

6 Paul A. Stewart

7 Jacob R. Rosenbaum

8 Attorneys for Plaintiff,

9 MONSTER ENERGY COMPANY